

REMARKS

I. Drawings

In the Office Action, the drawings were objected to because Figs. 3A, 12, and 13 lacked the legend "PRIOR ART." Figs. 3A, 12, and 13 have been amended to include the specified legend, as shown on the attached replacement drawing sheets. Applicant respectfully submits that the objection to the drawings should be withdrawn.

II. Specification

In the Office Action, the specification was objected to as containing several informalities. The specification has been amended in accordance with the Examiner's suggestions to address each of the informalities. In addition, the specification has been amended to include separate brief descriptions of Figs. 2A, 2B, 3A, and 3B in accordance with the Examiner's suggestion. Applicant respectfully submits that the objection to the specification should be withdrawn.

III. Status of the Claims

Claims 1-5 are pending. By this Amendment, claim 1 has been amended. Applicant notes that the restriction requirement has been withdrawn. Applicant further notes that claims 2-5 were indicated as containing allowable subject matter.

IV. Claim Rejections Under 35 U.S.C. § 112

In the Office Action, claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph. In particular, it was asserted that a recitation in claim 1 was indefinite.

Claim 1 has been amended to recite a combination of elements, including at least "whereby a dimension of said wedge-shaped element in the direction perpendicular to said contact face is changed in accordance with braking force."

Applicant respectfully submits that claim 1, as amended, and claims 2-5 satisfy the requirements of 35 U.S.C. § 112, second paragraph, and that the rejection should be withdrawn.

V. Claim Rejections Under 35 U.S.C. § 102(b)

In the Office Action, claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by German patent DE 498917 (the '917 patent). Further, claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Soviet Union patent SU 659503 (the '503 patent). Finally, claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,159,995 to Sissala et al. ("Sissala"). These rejections are respectfully traversed based on the following comments.

A. Claim 1 is patentable over the '917 patent

According to M.P.E.P. § 2131, "to anticipate a claim, the reference must teach every element of the claim." Further, a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Id.* (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Because the '917 patent does not teach every element of independent claim 1, Applicant respectfully submits that the rejection should be withdrawn.

Based on the figures, the '917 patent appears to teach an elevator stopping device in which a planar surface of part "b" engages an elevator guide rail "p."

Based on Applicant's understanding of the applied reference, the '917 patent fails to teach Applicant's combination recited in claim 1, as amended, including at least a "mechanism whereby a dimension of said wedge-shaped element...is changed in

accordance with braking force to maintain the braking force at a substantially constant level.”

Because the '917 reference does not teach every element of independent claim 1, as required by M.P.E.P. § 2131, Applicant respectfully submits that the rejection should be withdrawn.

B. Claim 1 is patentable over the '503 patent

Based on the English abstract and figures, the '503 patent appears to teach a “safety mechanism for braking [a] cabin” of an elevator. '503 patent at Abstract. The safety mechanism “comprises wedges [1] which can move in [a] vertical straight line in the body [2].” Id. “Shoes [3] are connected kinematically to the wedges” and move “horizontally in the body.” Id.

Based on Applicant's understanding of the applied reference, the '503 patent fails to teach Applicant's combination recited in claim 1, as amended, including at least a “wedge-shaped element that effects an emergency stop...by means of a contact face of a sliding part thereof being pressed against said guide rail” and a “mechanism whereby a dimension of said wedge-shaped element in the direction perpendicular to said contact face is changed in accordance with braking force to maintain the braking force at a substantially constant level.”

For example, the device of the '503 patent effects a stop of an elevator car by “shoes” contacting the rail, not by “a contact face of a sliding part” of the wedge-shaped element contacting the rail, as recited in claim 1. Further, the '503 patent provides no disclosure of a dimension of a wedge-shaped element being “changed in accordance

with braking force” or of maintaining the braking force “at a substantially constant level,” as recited in claim 1.

Because the ‘503 reference does not teach every element of independent claim 1, as required by M.P.E.P. § 2131, Applicant respectfully submits that the rejection should be withdrawn.

C. Claim 1 is patentable over Sissala

Sissala teaches a “safety gear unit” in which a “wedge 2 moves along a guide surface 20.” Sissala at col. 2, lines 18-20. Further, a housing of the safety gear “can move in a transverse plane...guided by transverse horizontal bars 3 and fixed-position guiding means 14.” *Id.* at lines 49-52.

Sissala fails to teach Applicant’s combination recited in claim 1, as amended, including at least a “mechanism whereby a dimension of said wedge-shaped element...is changed in accordance with braking force to maintain the braking force at a substantially constant level.”

For example, the wedge 2 of Sissala is a solid element and is not capable of having a “dimension...changed in accordance with the braking force,” as recited in claim 1. Applicant notes that the wedge 2 and guide surface 20 of Sissala are identical to the wedge and guide surface of the prior art device shown in Fig. 1 of Sissala. Further, the arrangement of the wedge and guide surface of Sissala is comparable to the arrangement of the prior art device shown in Figs. 12 and 13 of the instant application. In addition, Sissala provides no disclosure of maintaining “the braking force at a substantially constant level,” as recited in claim 1.

Because the Sissala reference does not teach every element of independent claim 1, as required by M.P.E.P. § 2131, Applicant respectfully submits that the rejection should be withdrawn.

Thus, it is respectfully submitted that, in addition to allowable claims 2-5, claim 1 is patentable over the references applied in the Office Action.

VI. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 28, 2003

By: 

Richard V. Burgujian
Reg. No. 31,744

Attachments: Two sheets of replacement drawings consisting of Figs. 3A, 3B, 12, and 13.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com